IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 5891 of 2007()

PETITIONER/ACCUSED

ANISH, S/O.VIJAYAN, AGED 37 YEARS,
KATTOOR P.O., MUKUNDAPURAM TALUK.

BY ADV. SRI.PHILIP T.VARGHESE
SRI.THOMAS T.VARGHESE

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM
REPRESENTING THE DEPUTY SUPERINTENDENT OF POLICE,
IRINJALAKUDA.

2. THE STATION HOUSE OFFICER, KATTOOR
POLICE STATION.

3. THE STATION HOUSE OFFICER, VALAPPAD
POLICE STATION.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 5891 OF 2007

Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner apprehends arrest in a crime alleging matrimonial cruelty punishable under Sec.498A of the IPC. The petitioner is the husband of the de facto complainant. The petitioner was not aware of the number of the crime registered. Apprehending arrest at the hands of the police from the Kattoor or Valappad Police Station, this application for anticipatory bail was filed.

2. The learned Public Prosecutor, on instructions, submits that Crime No.666/07 of the Valappad Police Station has been registered against the petitioner alleging matrimonial cruelty. Investigation is in progress. So far, a decision to arrest the petitioner has not been taken. Materials to indicate culpability have not been revealed so far, submits the learned

Public Prosecutor.

3. I am satisfied, in these circumstances, that the petitioner can be granted anticipatory bail subject, of course, to appropriate conditions.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 23/10/07. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 24/10/07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months. Subsequently, he shall so make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as

if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 23/10/07 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 23/10/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge